

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIANE OWENS,

Plaintiff,

v.

Case No. 06-11682

DETROIT MEDICAL CENTER
and HARPER HOSPITAL,

HONORABLE AVERN COHN

Defendants.

**ORDER DENYING PLAINTIFF'S "MOTION REQUESTING RELIEF ON GROUNDS
THAT PROOF OF EVIDENCE CAN BE SHOWN THAT PLAINTIFF WAS NOT
UNTIMELY IN FILING COMPLAINT"**
AND
**ENJOINING PLAINTIFF FROM FURTHER FILINGS IN THIS CASE WITHOUT LEAVE
OF COURT**

I.

This is an employment discrimination case which has long since closed. Plaintiff Diane Owens, proceeding pro se, was an employee of defendant Harper Hospital. In April of 2006, plaintiff filed a complaint claiming she was wrongfully discharged and discriminated against her on the basis of her race (African-American). The history of this case was described in detail in the Court's March 11, 2008 Memorandum as follows:

Defendants filed a motion to dismiss on the grounds that the complaint was untimely. The Court agreed, noting that plaintiff received her right to sue

letter in 2002 and did not file her complaint until 2006, well beyond the 90 day requirement. See Memorandum and Order Granting Defendants' Motion to Dismiss and Dismissing Case, filed June 12, 2006. The Court denied plaintiff's motion for reconsideration. See Order filed June 26, 2006. Plaintiff appealed. The Court of Appeals for the Sixth Circuit affirmed the Court's dismissal. See Order in case no. 06-2046, filed January 29, 2007. The mandate issued on July 5, 2007. The case was closed.

However, plaintiff continued to file papers with the Court. On October 25, 2007, plaintiff filed a request for clerk's entry of default, requesting a default judgment against defendants in the amount of \$7,000,000.00. The Clerk denied plaintiff's request that same day on the grounds that the case closed in June of 2006. Plaintiff then filed a "Motion to Dismiss Notice of Denial of Request for Clerk's Entry of Judgment by Default . . .," and a "Motion to Strike," arguing that a default judgment is appropriate. The Court denied the motions, explaining that "defendants answered the complaint and defended the case, which is now closed, there is no basis for obtaining a default judgment." See Order filed December 3, 2007.

Since that time, on December 13, 2007, Plaintiff file an "objection" to the Court's December 3, 2007 order and has submitted a letter to the Court dated March 4, 2008. She continues to argue that the Court erred in dismissing her complaint and she is entitled to a default judgment.

Since the March 11, 2008 Memorandum, plaintiff filed the instant "Motion Requesting Relief on Grounds that Proof of Evidence Can Be Shown that Plaintiff was Not Untimely in Filing Complaint." Plaintiff, once again, continues to argue that her complaint was timely filed. Defendants, at the Court's request, filed a response contending that the motion is frivolous and requesting that plaintiff be forbidden from further filings.¹

III.

Plaintiff has been advised several time that this case is closed. Plaintiff cites no authority for allowing her case, which was affirmed on appeal, to be reopened or otherwise proceed. Put simply, the matter has ended. Plaintiff's motion is DENIED.

¹Plaintiff filed a "Motion to Dismiss Defendants Request for an Order Forbidding Further Filings," contending that she should be permitted to have her case move forward.

Furthermore, given plaintiff's history of continuing to file papers in this closed case, plaintiff is ENJOINED and RESTRAINED from filing any papers in the United States District Court for the Eastern District of Michigan in this case without first seeking and obtaining leave of Court. See Filipas v. Lemons, 835 F.2d 1145 (6th Cir. 1987).

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: June 3, 2008

I hereby certify that a copy of the foregoing document was mailed to Diane Owens P.O. Box 35169, Detroit, MI 48235 and the attorneys of record and on this date, June 3, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160